

Declaration, Petition and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CONTROLLED REVERSIBLE PORATION FOR
PRESERVATION OF BIOLOGICAL MATERIALS

the specification of which

(check one)

___ is attached hereto.

X was filed on September 11, 1998 as

Application Serial No. 09/151,821

and was amended on _
(if applicable)

I do not know and do not believe that the subject matter of this application was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an issued inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one:

☒ no such applications have been filed.

☐ such applications have been filed as follows

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application, that the said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u> (patented,pending,aband.)
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<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u> (patented,pending,aband.)
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

William C. Geary III	Reg. No. 31,359
John Christopher	Reg. No. 37,596
Christopher S. Daly	Reg. No. 37,303
Judith C. Crowley	Reg. No. 35,091
Ronald E. Cahill	Reg. No. 38,403
Paul D. Durkee	Reg. No. 41,003
Cedric G. DeLaCruz	Reg. No. 36,498
Carl M. DeFranco	Reg. No. 32,675
Michael I. Falkoff	Reg. No. 30,833

Send Correspondence to: Ronald E. Cahill

Nutter, McClennen & Fish, LLP, One International Place, Boston, MA 02110-2699

Direct Telephone Calls to: Attorney: Ronald E. Cahill Telephone No. (617) 439-2782

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Mehmet Toner	
Inventor's signature <i>Mehmet Toner</i>	Date Nov 11, 98
Residence 100 Pilgrim Road, Wellesley, Massachusetts 02481	
Citizenship Turkey	
Post Office Address (if different)	

Full name of second/joint inventor, if any Michael Russo	
Inventor's signature <i>Michael G. Russo</i>	Date 12/2/98
Residence 22 Pleasant Street, Wakefield, Massachusetts 01880	
Citizenship United States	
Post Office Address (if different)	

Full name of third/joint inventor, if any Robert Bieganski	
Inventor's signature <i>ROBERT BIEGANSKI</i>	Date DEC 8, 98
Residence	
Citizenship United States	
Post Office Address (if different) P.O. Box 425845, Cambridge, Massachusetts 02142-0016	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**APPLICANT:** Mehmet Toner, Michael Russo and Robert Bieganski**ATTORNEY DOCKET NO.:** 22727-17**APPLICATION NO.:** 09/151,821**EXAMINER:** N/A**FILED:** September 11, 1998**GROUP NO.:** 1643**ENTITLED:** CONTROLLED REVERSIBLE PORATION FOR PRESERVATION OF BIOLOGICAL MATERIALS**VERIFIED STATEMENT AS SMALL ENTITY**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:**WE UNDERSIGNED DECLARE(S):**

Exclusive rights in the above-identified invention reside in the "small entity(ies)" defined and named below, Massachusetts Institute of Technology, and "small entity" fees are appropriate. Qualification as a small entity is based upon the appropriately checked statements below:

INDEPENDENT INVENTOR(S)

The below-signing independent inventor(s) has (have) not assigned, granted, conveyed or licensed, and is (are) under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not likewise be classified as an independent inventor under 37 C.F.R. § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

SMALL BUSINESS CONCERN

The below-identified small business concern qualifies as a small business as defined in 37 C.F.R. § 1.9(b), and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, in that the number of employees, including those of its affiliates, which does not exceed 500 persons, and it has not assigned, granted, conveyed or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

☒ **NONPROFIT ORGANIZATION** (Check additional applicable box)

The below-identified nonprofit organization qualifies as a small entity under 37 C.F.R. § 1.9(e) in that it constitutes:

1. ☐ a university or other institution of higher education located in any country; or
2. ☒ an organization of the type described in Section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. § 501(c)(3)) and exempt from taxation under Section 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)); or
3. ☐ any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of the United States (35 U.S.C. § 201(i)); or
4. ☐ any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of Rule 1.9 if it were located in the United States.

I, undersigned, acknowledge(s) the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of filing, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. § 11.28(b)).

I, below-signing individual(s) hereby declare(s) that (he, she, they) are authorized to execute this statement on behalf of the small entity; that all statements made herein of (his, her, their) own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge that willful false statements and those so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issue thereon, or any patent to which this verified statement is directed.

Name of Small Entity: (Independent Inventor/Small Business/Nonprofit)
The General Hospital Corporation

Address of Small Entity: (Street, City, State or Country, Zip Code)
55 Fruit Street, Boston, MA 02114

Name of Person Signing: (Small Business/Nonprofit)
~~Iain D. Miller, Ph.D.~~ **DAVID J. GLASS, PH.D.**

Title of Person Signing: (Small Business/Nonprofit) **ASSOCIATE DIRECTOR FOR PATENTS,**
~~Intellectual Property and Agreement Specialist, Office of Technology Affairs~~

Signature: (Please sign and date in permanent ink.)

Date signed:

X

X

Applicant or Patentee: Mehmet Toner et al.

Serial or Patent No.: 09/151,821

Attorney's Docket No.: 22727-17

MIT Case No.: MIT 7459

Filed or Issued: September 11, 1998

For: Controlled Reversible Poration for Preservation of Biological Materials

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Massachusetts Institute of Technology
ADDRESS OF ORGANIZATION: 77 Massachusetts Avenue
Cambridge, MA 02139

TYPE OF ORGANIZATION

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE
(26 USC 501(a) and 501(c) (3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF
STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE
SERVICE CODE (26 USC 501(a) and 501(c) (3)) IF LOCATED IN THE
UNITED STATE OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL
UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled Controlled Reversible Poration for Preservation of Biological Materials by inventor(s) Mehmet Toner et al. described in

- ☐ the specification filed herewith.
- ☒ application serial no. 09/151,821 , filed September 11, 1998.
- ☐ patent no. , issued .

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9 (c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____
()INDIVIDUAL ()SMALL BUSINESS CONCERN ()NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
()INDIVIDUAL ()SMALL BUSINESS CONCERN ()NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Jarmila Z. Hrbek
TITLE IN ORGANIZATION Patent Administrator and Office Manager,
Technology Licensing Office
ADDRESS OF PERSON SIGNING 77 Massachusetts Avenue, Room NE25-230
Cambridge, MA 02139

SIGNATURE Jarmila Z. Hrbek DATE October 15, 1998